

**FILED**

NOV 13 2012

Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-71

**ICYLON A. GUCE**  
**a.k.a., ICYLON ANDAL GUCE**  
8334 Telegraph Road  
Downey, CA 90240

**A C C U S A T I O N**

Vocational Nurse License No. VN 222099

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about August 3, 2006, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 222099 to Icydon A. Guce also known as, Icydon Andal Guce (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

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**JURISDICTION**

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

5. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

**STATUTORY PROVISIONS**

6. Section 2861 states that no person may "in any way assume to practice as a licensed vocational nurse" unless they are properly licensed under the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.).

7. Section 2878 states, in pertinent part:  
"The Board may suspend or revoke a license issued under [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter."

....

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction."

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1       "(h) Impersonating another practitioner, misrepresenting professional credentials or  
2 licensure status, or permitting another person to use his or her certificate or license."

3       ....

4       "(j) The commission of any act involving dishonesty, when that action is related to the  
5 duties and functions of the licensee."

6       ....

7       8. Section 2885 states:

8       "It is unlawful for any person or persons not licensed as provided in this chapter to  
9 impersonate in any manner or pretend to be a licensed vocational nurse, or to use the title  
10 "Licensed Vocational Nurse," the letters "L.V.N.," or any other name, word or symbol in  
11 connection with or following his name so as to lead another or others to believe that he is a  
12 licensed vocational nurse."

### 13                               REGULATORY PROVISIONS

14       9. California Code of Regulations, title 16, section 2521, states:

15       "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
16 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be  
17 considered to be substantially related to the qualifications, functions or duties of a licensed  
18 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed  
19 vocational nurse to perform the functions authorized by his license in a manner consistent with  
20 the public health, safety, or welfare."

### 21                               COST RECOVERY

22       10. Section 125.3 states, in pertinent part, that the Board may request the administrative  
23 law judge to direct a licensee found to have committed a violation or violations of the licensing  
24 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
25 case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 11. Respondent is subject to disciplinary action under section 2878, subdivision (f), in  
4 conjunction with California Code of Regulations, title 16, section 2521, in that Respondent has  
5 been convicted of a crime substantially related to the qualifications, functions or duties of a  
6 licensed vocational nurse ("LVN"). On or about May 10, 2011, in the criminal proceeding  
7 entitled *United States of America v. Icydon Guce* (U.S. Dist. Ct. C.D.C., 2011, No. 2:09CR-609),  
8 Respondent entered a plea of guilty and was convicted of one felony count of violating United  
9 States Code, title 18, section 1347 [health care fraud]]. The Court placed Respondent on 3 years  
10 probation and ordered him to pay \$20,980.64 in restitution. The circumstances surrounding the  
11 conviction are as follows:

12 a. Respondent participated in a scheme to defraud the Medi-Cal health care benefit  
13 program. The scheme involved the use of unlicensed persons to provide vocational nursing  
14 services to Medi-Cal recipients. Respondent participated in the scheme prior to the time that he  
15 was licensed as a vocational nurse by: (1) falsely presenting himself to patients as an LVN; (2)  
16 performing the services of an LVN; (3) fraudulently signing nursing notes as an LVN; and (4)  
17 and conspiring to submit fraudulent Medi-Cal claims related to LVN services that had not been  
18 provided by an LVN.

19 b. Specifically, in April 2006, while employed at Excel Plus Home Health Services,  
20 Respondent presented himself to patient A.C. as a licensed vocational nurse, provided services to  
21 patient A.C. that should have been performed by a licensed vocational nurse, signed related  
22 Nursing Notes with the title "LVN" next to his name, and caused a claim for payment for said  
23 services to be made to Medi-Cal.

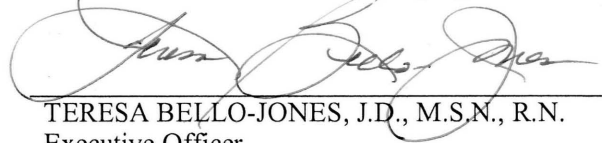
24 c. Respondent was involved in the above-described scheme to defraud Medi-Cal  
25 for at least the six (6) months preceding his licensure in August 2006, and his involvement also  
26 included representations and Medi-Cal claims that were made with respect to services that  
27 Respondent unlawfully provided to other patients, including patient M.C., patient D.C., patient  
28 J.B. and patient M.S.



1           2.     Ordering Respondent to pay the Board the reasonable costs of the investigation and  
2 enforcement of this case, pursuant to section 125.3; and

3           3.     Taking such other and further action as deemed necessary and proper.

4           DATED: **NOV 13 2012**



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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